

discussed below, especially those which have already been discussed in the prior response dated January 5, 2007.

In the Office Action, the claims are rejected under 35 U.S.C. §103 as being obvious in view of Ali and Uppaluru. This rejection is respectfully traversed.

Before presenting remarks addressing this rejection, it is noted that the Office Action on page 27 alleges that Applicant previously argued that the rejection was based on hindsight and therefore improper. The remarks below are taken directly from the previous response dated January 5, 2007, and it will be apparent that they do not rest on an allegation of hindsight. Rather, it is pointed out that Uppaluru does not in fact teach what the Office Action alleges, and further it is requested that if the rejection is to be maintained the Examiner specifically identify where the required teaching is to be found. So far the Examiner has failed to make any such specific identification, and thus it is respectfully urged that the rejection should be withdrawn unless this defect in the rejection is remedied.

Claim 1 as amended herein is directed to a method in a browser that includes selectively implementing hypertext markup language (HTML) and XML tags appearing within the web pages received by the browser based on capabilities of the user device, the capabilities being stored in a device capabilities table which includes for the user device a unique device identifier, a network address selected from (a telephone number and an IP address), and a specification of capabilities of the user device, the specification of capabilities including whether the user device accepts only text data, whether the user device is able to respond to multiple prompts, whether the user device accepts digital audio data or only analog audio data, whether the user device has a microphone for generating analog audio signals, and whether the user device has an analog to digital converter for converting the analog audio signals to digital audio data (emphasis added). Thus, as described in the application, any user device can be

served by the browser regardless of the device's capabilities, because the browser provides to the user device only the information that it can process.

The Office Action alleges on page 5 that Uppaluru teaches the underlined aspects of claim 1 above, and refers to "col. 16, line 50 to col.5" of Uppaluru. As was previously pointed out, this reference to Uppaluru is confusing because it is incorrect to refer to a section of text starting at a higher number (col. 16) and ending at a lower number (col. 5). It is assumed that this reference should read "col. 16, line 50 to col. 17, line 5," because this is the section of Uppaluru on enhanced speech recognition. The Examiner is respectfully invited to correct this citation to Uppaluru.

There does not appear to be any description in Uppaluru of any processing of tags that is based on capabilities of the user device (i.e. telephone) that are stored in a device capabilities table and include capabilities such as whether the user device accepts only text data, etc. Rather, it appears that Uppaluru merely assumes the normal capabilities of a telephone as a user device, and thus lacks any such capabilities table and capability information. The section of Uppaluru cited in the Office Action (col. 16 line 50 to col. 17 line 5) is seen to describe only the use of speech recognition in the system, and not any use of device capabilities information as recited in claim 1. Thus contrary to the assertion in the Office Action, Uppaluru does not teach the features of claim 1 highlighted above, and thus the rejection of claim 1 is improper for at least this reason.

It is noted that claim 1 is not directed to the capabilities of the user device per se, but rather to selectively implementing HTML and XML tags appearing within the web pages received by the browser based on capabilities of the user device as stored in a device capabilities table. In other words, the method can modify how it implements tags based on information in a device capabilities table explicitly indicating what the capabilities of the user device are. Nowhere is Uppaluru seen to teach or suggest this aspect of the claim.

If a rejection based on Uppaluru is to be maintained, it is respectfully requested that it be identified specifically where Uppaluru teaches the above-highlighted features of claim 1. Specifically, with respect to Uppaluru:

1. What serves as a specification in a device capabilities table of whether the user device accepts only text data?
2. What serves as a specification in a device capabilities table of whether the user device is able to respond to multiple prompts?
3. What serves as a specification in a device capabilities table of whether the user device accepts digital audio data or only analog audio data?
4. What serves as a specification in a device capabilities table of whether the user device has a microphone for generating analog audio signals.
5. What serves as a specification in a device capabilities table of whether the user device has an analog to digital converter for converting the analog audio signals to digital audio data?

In the absence of any showing of all the above elements of claim 1 (in addition to the other elements not discussed above), it is respectfully urged that the rejection is improper and should be withdrawn. If the rejection is to be maintained, then it is respectfully requested that a subsequent Office Action specifically point to all the specific features of Uppaluru that allegedly function as the above elements of claim 1.

#### Conclusion

In view of the foregoing remarks, this Application is believed to be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' Representative at the number below.

Applicant hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this

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response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,

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